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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY individually and on behalf of all
other similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**DECLARATION OF RYAN MCGEE IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
EXHIBIT IN OPPOSITION TO MOTION
FOR SUMMARY JUDGMENT (DKT.
397-5)**

Judge: Hon. Richard Seeborg
Courtroom 3 – 17th Floor
Date: July 25, 2024
Time: 1:30 p.m.

DECLARATION OF RYAN MCGEE

I, Ryan McGee, declare as follows.

1. I am an associate with the law firm of Morgan and Morgan, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted *pro hac vice* for this case. Dkt. 13. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Pursuant to Civil Local Rule 79-5, I submit this Declaration in support of Plaintiffs' administrative motion to seal portions of their motion for class certification. In making this request, Plaintiffs have carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.

3. Plaintiffs respectfully request that the Court seal:

a. Portions of paragraphs 182 and 246 of Exhibit 4 to the Mao Declaration in Opposition to Google's Motion for Summary Judgment, which contain the Plaintiffs' sensitive identifiers.

4. The information requested to be sealed is being designated by Plaintiffs as "Confidential" pursuant to the parties' Stipulated Protective Order (Dkt. 70).

5. Specifically, the portions sought to be sealed associate certain of the named Plaintiffs with various identifiers.

6. On July 20, 2023, as well as on October 12, 2023, Plaintiffs requested sealing substantially similar types of information that are presently at issue in this administrative request to seal. Dkts. 314, 338. This Declaration relies on the same substance that supported those prior sealing requests. *See* Dkts. 314-1, 338-1. On January 3, 2024, the Court granted these requests. Dkt. 353 (granting in full Plaintiffs' "request to seal excerpts that reveal[] Plaintiffs' private information").

7. Similar requests to seal were also granted in *Calhoun v. Google LLC*, No. 4:20-cv-05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing *Calhoun* plaintiffs' web browsing history and information), and *Brown v. Google LLC*, No. 4:20-cv-03664-YGR (N.D. Cal.), Dkt. 804 (sealing

1 *Brown* plaintiffs' web browsing history and information).

2 8. If the Court were to deny sealing this information, Plaintiffs could be subjected to
3 a heightened risk of injury, including identity theft. I was personally involved at all stages of the
4 litigation in *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.) including expert
5 discovery and related motions practice. I personally presented plaintiffs' tutorial before Judge
6 Alsup with two cybersecurity experts (one of whom served as plaintiffs' testifying expert) to
7 discuss data breaches and exploitation of personal information. No. 3:18-cv-05982-WHA, Dkts.
8 20, 65.

9 9. I also personally defended the expert deposition of the testifying cybersecurity
10 expert, and I personally argued the *Daubert* motions that Facebook filed against our experts. The
11 information Plaintiffs seek to seal here is of substantially the same type of information that can be
12 used to gain unauthorized access to personal accounts.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this 28th day of June, 2024, at Tampa, Florida.

15 /s/ Ryan J. McGee
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